Case: 2:18-cv-00192-GCS-CMV Doc #: 1-1 Filed: 03/06/18 Page: 1 of 6 PAGEID #: 6

PERFORMANCE BOND

(See instructions on reverse)

DATE BOND EXECUTED (Must be same or later than date of contract)

01/31/2017

OMB Control Number: 9000-0045 Expiration Date: 7/31/2019

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 USC § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0045. We estimate that it will take 60 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

PRINCIPAL (Legal name and business address)
K.C. Electrical Construction, Inc.
4907 147th St
Midlothian, IL 60445-2438

PLAINTIFF'S EXHIBIT

TYPE OF ORGANIZATION ("X" one)					
INDIVIDUAL	PARTNERSHIP				
JOINT VENTURE	CORPORATION				
STATE OF INCORPORATION					

SURETY(IES) (Name(s) and business address(es)
Allegheny Casualty Company
One Newark Center, 20th Floor
Newark, NJ 07102

PENAL SUM OF BOND (whole numbers only)						
MILLION(S) THOUSANI		os 66	HUNDRED(S) 400			
CONTRACT DATE		CONT	RACT NUMBER			

01/30/2017

Illinois

W911WN-17-C-8001

OBLIGATION

We, the Principal and Surety(ies), are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we the sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS

The Principal has entered into the contract identified above.

THEREFORE

The above obligation is void if the Principal-

- (a)(1) Performs and fulfills all the undertaking, covenants, terms, conditions, and agreements of the contract during the original term of the contract and any extensions thereof that are granted by the Government, with or without notice of the Surety(ies) and during the life of any guaranty required under the contract, and (2) performs and fulfills all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of the contract that hereafter are made. Notice of those modifications to the Surety(ies) are waived.
- (b) Pays to the Government the full amount of the taxes imposed by the Government, if the said contract is subject to 41 U.S.C. Chapter 31, Subchapter III, Bonds, which are collected, deducted, or withheld from wages paid by the Principal in carrying out the construction contract with respect to which this bond is furnished.

WITNESS

The Principal and Surety(jes) executed this performance bond and affixed their seals on the above date.

		PRINCIPAL			
SIGN	ATURE(S)	Daniel Klaus 2.	3. (Seal)	(Seal)	_
NAME(S) & TITLE(S) (Typed)		Daniel Klaus, President 2.	3.	•	Corporate Seal
		INDIVIDUAL SURE	TY(IES)		***************************************
SIG	NATURE(S)	1. (Sea	2.		(Seal)
NAME(S) (Typed) 2.					
		CORPORATE SURE	TY(IES)		
٤	NAME & ADDRESS	Allegheny Casualty Company, One Newark Center, 20th Floor, Newark, NJ 07102	STATE OF INCORPORATION NJ	ON LIABILITY LIMIT (\$)	1.80/1/2
SURETY	SIGNATURE(S)	"Tille. He	2.	34.8	Corporate Seal
ns —	NAME(S) & TITLE(S (Typed)	1. David A. Kotula, Attorney-in-fact	2.		936

	NAME &		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
B	ADDRESS				Corporate
SURETY	SIGNATURE(S)	1.	2.	[2.	
ns	NAME(S) & TITLE(S) (Typed)	1.	 2.		
ပ	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal
SUF	NAME(S) & TITLE(S) (Typed)	1.	2.		Seal
۵	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
SURETY D	SIGNATURE(S)	1.	2.		Corporate Seal
ns	NAME(S) & TITLE(S) (Typed)	1.	2.	2.	
ш	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal
SUF	NAME(S) & TITLE(S) (Typed)	1.	2.		Jour
IL.	NAME & ADDRESS		 STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
SURETYF	SIGNATURE(S)	1.	2.		Corporate Seal
S	NAME(S) & TITLE(S) (Typed)	1.	2.		
ပ	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT (\$)	
SURETY	SIGNATURE(S)	1.	2,		Corporate Seal
S	NAME(S) & TITLE(S) (Typed)	1.	2.		Joan

BOND	RATE PER THOUSAND (\$)	TOTAL (\$)
PREMIUM	30.00	13,992.00

INSTRUCTIONS

- 1. This form is authorized for use in connection with Government contracts. Any deviation from this form will require the written approval of the Administrator of General Services.
- 2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
- 3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitation listed therein. Where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)." In the space designated

- "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.
- (b) Where individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning their financial capability.
- 4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the words "Corporate Seal", and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
- 5. Type the name and title of each person signing this bond in the space provided.

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PAYMENT BOND (See instructions on reverse)

DATE BOND EXECUTED (Must be same or later than date of contract)

OMB Control Number: 9000-0045 Expiration Date: 7/31/2019

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 USC § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0045. We estimate that it will take 60 minutes to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405

01/31/2017

Washington, DC 20405.					
· · ·	TYPE OF ORGANIZATION ("X" one)				
K.C. Electrical Construction, Inc. 4907 147th St Midlothian, IL 60445-2438		INDIVIDUAL JOINT VENTURE		PARTNERSHIP CORPORATION	
	STATE OF INCORPORATION Illinois				
SURETY(IES) (Name(s) and business address(es)	PENAL SUM OF BOND (Whole numbers only)				
Allegheny Casualty Company	MILLION(S)	THOUSAN	VD(S)	HUNDRED(S)	CENTS
One Newark Center, 20th Floor Newark, NJ 07102		466		400	0
	CONTRACT DATE CON		CONT	ONTRACT NUMBER	
	01/30/2017		W91	1WN-17-C-8	3001

OBLIGATION:

We, the Principal and Surety(ies), are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS:

The above obligation is void if the Principal promptly makes payment to all persons having a direct relationship with the Principal or a subcontractor of the Principal for furnishing labor, material or both in the prosecution of the work provided for in the contract identified above, and any authorized modifications of the contract that subsequently are made. Notice of those modifications to the Surety(ies) are waived.

WITNESS:

The Principal and Surety(ies) executed this payment bond and affixed their seals on the above date.

		PRINCI	PAL			
sic	BNATURE(S)	Daniel Claus.	(Seal)	3.	(Seal)	Corporate
NAME(S) & TITLE(S) (Typed)		Daniel Klaus, President Z		3.		Seal
		INDIVIDUAL SU	JRETY(IES	5)		The state of the s
SIG	SNATURE(S)	1. (Sea	2.			(Seal)
NAME(S) (Typed)		1.	2.			
		CORPORATE S	URETY(IE	S)		
4	NAME & ADDRESS	Allegheny Casualty Company, One Newark Center, 20th Floor, Newark, NJ 07102	STATE OF	INCORPORATION	LIABILITY LIMIT \$ 2,260,000	
SURETY	SIGNATURE(S)	132.74	2.		re.	Corporate/
S	NAME(S) & TITLE(S) (Typed)	David A. Kotula, Attorney-in-fact	2.			

	CORPORATE SURETY(IES) (Continued)							
8	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
SU	NAME(S) & TITLE(S) (Typed)	1.	2.					
ပ	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT \$				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
ns	NAME(S) & TITLE(S) (Typed)	1.	2.					
٥	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT \$				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
SU	NAME(S) & TITLE(S) (Typed)	1.	2.		Seal			
ш	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
S	NAME(S) & TITLE(S) (Typed)	1.	2.					
ī	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT \$				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
ns	NAME(S) & TITLE(S) (Typed)	1.	2.		ooui			
Ö	NAME & ADDRESS		STATE OF INCORPORATION	LIABILITY LIMIT \$				
SURETY	SIGNATURE(S)	1.	2.		Corporate Seal			
ns	NAME(S) & TITLE(S) (Typed)	1.	2.		OGGI			

INSTRUCTIONS

- 1. This form, for the protection of persons supplying labor and material, is used when a payment bond is required under 40 U.S.C. Chapter 31, Subchapter III, Bonds. Any deviation from this form will require the written approval of the Administrator of General Services.
- 2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
- 3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitation listed therein. Where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)."

In the space designated "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.

- (b) Where individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning their financial capability.
- 4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the words "Corporate Seal", and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
- 5. Type the name and title of each person signing this bond in the space provided.

Tel (973) 624-6200:18-cv-00192-GCS-CMV, Doc #: 1-1 Filed: 03/06/18 Page: 5 of 6 PAGEID #: 10 POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

DAVID A. KOTULA

Chicago, IL.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices,

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

"RESOLVED, that (1) the President, Vice President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 31st day of December, 2015.

GPORT SEAL 1904 LERS WILLIAM + LITTLE

STATE OF NEW JERSEY County of Essex

ROBERT W. MINSTER
Chief Executive Officer (International Fidelity
Insurance Company) and President (Allegheny
Casualty Company)

Alto and

1936 *

* NEW JERSEY

On this 31st day of December 2015, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

315+

day of JANUARY, 2017.

MARIA BRANCO, Assistant Secretary

Maria H. Granco

G-23208-B

SS.

STATE OF IL COUNTY OF WIII

I, <u>Brandie Catlin Notary Public of Will County</u>, in the State of <u>Illinois</u>, do Hereby certify that <u>David A. Kotula</u> Attorney-in-fact, of the <u>Allegheny Casualty Company</u>, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered said instrument, for and on behalf of the <u>Allegheny Casualty Company</u>, for the uses and purposes therein set forth.

Given under my hand and notarial seal at my office in the City of <u>Lockport</u> in said County, this <u>31st</u> day of <u>January</u> A.D. 20<u>17</u>.

Brandie Catlin

Notary Public

"OFFICIAL SEAL"
BRANDIE CATLIN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 03/31/2018